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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

DAX LOUDERMAN,

Judgment Debtor,

and

GARNISHEE NAME, and its Successors or
Assigns,

Garnishee.

Case No.: 2:12-CR-00370-LDG-CWH

**MOTION FOR ENTRY OF A FINAL
ORDER OF GARNISHMENT**

The Plaintiff, the United States of America, by counsel, JASON M. FRIERSON, United States Attorney for the District of Nevada, and SUMMER A. JOHNSON, Assistant United States Attorney, respectfully moves the Court to enter the Final Order of Continuing Garnishment in this matter pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205(c)(7). In support of this motion, the United States claims:

1. This Court entered judgment against DAX LOUDERMAN on May 15, 2015 (ECF No. 29), and the outstanding balance as of January 25, 2024 is \$132,384.58.

2. The amount owing is a debt to the United States as defined in the Federal

1 Collection Procedures Act of 1990 (“FDCPA”), 28 U.S.C. § 3301-3308. See 28 U.S.C. §
2 3002(3)(B).

3 3. An Application for Writ of Continuing Garnishment was filed by the United
4 States on January 24, 2024 (ECF No. 32), and a Writ of Continuing Garnishment directed
5 to Garnishee was duly issued. (ECF No. 33). The Garnishee was served the Writ of
6 Continuing Garnishment on February 5, 2024. (ECF No. 35).

7 4. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an
8 Answer stating that at the time of the service of the Writ it had in its possession, custody, or
9 control personal property belonging to and due the Judgment Debtor in the form of wages
10 in the amount of \$3,918.77 payable semi-monthly (twice per month). (ECF No. 34).

11 5. On February 5, 2024, the Judgment Debtor was served by Federal Express, a
12 copy of the Writ of Continuing Garnishment and Notified of their right to a hearing. *See*
13 ECF No. 35. The Judgment Debtor has not requested a hearing to determine exempt
14 property.

15 6. The FDCPA, 28 U.S.C. § 3205(a) *et seq.*, permits a court to garnish up to
16 twenty-five percent of nonexempt disposable earnings. *See* 28 U.S.C. § 3002(9).

17 7. All conditions to the issuance of a final order in continuing garnishment
18 against the nonexempt earnings of the Judgment Debtor are fully satisfied, and the entry of
19 the Final Order in Continuing Garnishment is appropriate. *See* 28 U.S.C. § 3205(c)(7)
20 (“After the garnishee files an Answer and if no hearing is requested within the required time
21 period, the Court shall promptly enter an Order directing the garnishee as to the
22 disposition of the Judgment Debtor’s nonexempt interest in such property.”)

23 Respectfully submitted,
24 JASON M. FRIERSON
25 United States Attorney

26 /s/ Summer A. Johnson
27 SUMMER A. JOHNSON
28 Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2024, I served all of the parties in this case the United States' Motion for Final Order of Garnishment by CM/ECF and by first class mail, postage prepaid, as follows:

Garnishee:

Autonomous Stuff LLC
306 Erie Ave.
Morton, IL 61550

Judgment Debtor:

Dax Louderman
12497 SR 78
Havana, IL 62644-6867

/s/ Summer A. Johnson
SUMMER A. JOHNSON
Assistant United States Attorney

JASON M. FRIERSON
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UNITED STATES OF AMERICA,

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FINAL ORDER OF GARNISHMENT

This matter is before the Court for consideration of the entry of a final order in garnishment pursuant to Section 3205 of the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. § 3205, against the non-exempt earnings of the Judgment Debtor, DAX LOUDERMAN.

The United States filed an Application for Writ of Garnishment seeking any nonexempt property belonging to or owed the Judgment Debtor by Autonomous Stuff LLC, its Successors or Assigns ("Garnishee"). A Writ of Garnishment was properly served on Garnishee, which filed an Answer stating that it had in its possession, custody or control, personal property belonging to and due the Judgment Debtor in the form of wages in the

1 amount of \$3,918.77 payable semi-monthly (twice per month).

2 The Judgment Debtor was served with the Writ of Garnishment and notified of their
3 right to claim an exemption or request a hearing. The Judgment Debtor did not request a
4 hearing to determine exempt property.

5 Having considered the Application, Garnishee's Answer and noting that the
6 Judgment Debtor has not exercised their right to request a hearing, the Court GRANTS the
7 United States' Motion for Final Order of Garnishment and orders as follows:

8 IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the
9 Garnishee is hereby ordered to pay into the hands of the Clerk, U.S. District Court, at least
10 monthly, the lesser of:

- 11 1. Thirteen percent (13%) of Judgment Debtor's disposable earnings; or
- 12 2. All amounts of Judgment Debtor's disposable earnings in excess of 30 times the
13 federal minimum hourly wage. See 15 U.S.C. § 1673(a)

14 To calculate disposable earnings, subtract the following from wages, commissions,
15 income:

- 16 1. Federal Income Tax; and
- 17 2. Federal Social Security Tax; and
- 18 3. Other state and local income taxes (if any).

19 IT IS FURTHER ORDERED, ADJUDGED and DECREED that all monies
20 previously held by the Garnishee in accordance with the Writ of Garnishment shall
21 immediately be paid to the United States.

22 IT IS FURTHER ORDERED, ADJUDGED and DECREED that these sums are
23 to be applied to the Judgment rendered in the matter in the sum of \$135,060.00, upon which
24 there is an unpaid balance of \$132,384.58 due, as of January 25, 2024. These deductions are
25 to continue until the total amount due, plus accruing interest, is fully paid and satisfied.

26 Checks should be made payable to:

27 **Clerk of the Court, U.S. District Court**

28 Mailed to:

1 Clerk of the Court, U.S. District Court
2 333 Las Vegas Boulevard South, Suite 1334
3 Las Vegas, NV 89101

4 And bearing Judgment Debtor's name and case number:

5 "Louderman / 2:12-CR-00370-LDG-CWH"

6 Dated: June 10, 2024

7 
UNITED STATES DISTRICT JUDGE